

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Judiciary & Civil Jurisprudence
For HB 888

Compiled on: Wednesday, March 29, 2023 9:00 PM

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Hearing Date: March 29, 2023 8:00 AM

Laney Green
Self
Austin, TX

I am against this bill. Treatment for gender dysphoria is live-saving, and therefore, necessary.

Robyn Honig
Self/None
Austin, TX

I am unaffected by HB 888, but I oppose it on principle. The government is not a doctor and should not pretend to be one, nor should it pretend to have the same authority as a professional medical organization. Any and all health-related decisions should be left to providers, patients, and parents or legal guardians.

The fact that there are, at minimum, four anti-LGBTQIA2S+ House Bills being heard this week alone--most of them targeting children made increasingly vulnerable by the State--says a lot about the absurdly cruel priorities of the current legislature.

Shari London
Self - self-employed
Rockwall, TX

I am writing in support of this bill extending the statute of limitations for a malpractice-based claim involving a minor child whose doctor prescribed cross-sex hormones or performed gender modification surgery. While I am still hopeful that the 88th legislature passes bills to completely bar these practices for minor children altogether, these practices are happening today and into the future if the legislature does not take action. This bill protects the ability of children who have been irreversibly chemically or surgically altered by their physicians to bring a claim against their physician up until the patient reaches 25 years of age. It is inconceivable to me that physicians would treat gender dysphoria, which is a very real condition, with chemical or surgical methods that irreversibly change that child for life - and most especially before that child even reaches puberty and experiences the normal sex hormones flooding their bodies and minds which could bring their gender identity in line with their biological sex. We do not treat body dysmorphia (anorexia, bulimia) with affirmation! It is a dangerous and life-threatening condition. It is treated as a mental health issue, as gender dysmorphia should be. Gender dysmorphia, if treated with cross-sex hormones or surgery, is also a life-threatening condition, causing permanent health consequences for the child. Even progressive countries like Sweden and England have recently backed down on recommending cross-sex hormones and surgery for gender dysmorphia, because long-term effects on the patient have not had adequate studies proving their safety and long-term benefit. I recommend the committee report on this bill favorably.

Elisabeth Brolin

Self

Carrollton, TX

Vote: Yes

Linda Flower, Dr.

Self. Family Physician

Tomball, TX

Testimony for House Hearing on Extending Statute of Limitations Re: Treatment of Gender Dysphoria in Minors

Linda W. Flower, MD

I submit this Testimony as a citizen, mother, grandmother, and a family physician with over 45 years of experience including training family physicians in programs affiliated with 3 Texas Medical Schools. I speak in favor of the provisions of HB 888 will extend the statute of limitations for patients who were harmed by doctors and clinics that treated them with hormones or surgery for gender dysphoria.

In 1979, the surgical gender transition program at Johns Hopkins was discontinued when it could not be shown to improve the mental health of those undergoing surgery. Dr. Paul McHugh, Head of the Department of Psychiatry stated that the problem was in the mind and not in the genitalia, and that "biological sex "cannot be changed.

This is confirmed by the one robust, long-term follow-up study we have. This Swedish study showed that after transition transgender people have a 19x higher rate of suicide than matched controls. This study was from 1973-2003. In this study sex reassigned persons also had an increase risk for suicide attempts (5x higher) and for psychiatric inpatient care (nearly 3 times higher) than matched controls.

Detransitioner testimonies tell us that there is a 'honeymoon period' of euphoria of about 2 years and that doubts and regrets don't creep in for an average period of around eight years.

The National Health Service Center for Transgender Therapy in Britain closed after a class action lawsuit was filed by former patients and their parents

In the US the case of Chloe Cole vs. Kaiser Permanente has been visible in the media. Several others have contacted the group that is representing Ms. Cole, only to be told that the statute of limitations prevents them from filing a lawsuit.

The full risks of using these medications early in life range from infertility, osteoporosis to atherosclerosis and cancer. We have no idea what these hormones are doing to the developing brain in children. Gender dysphoric children deserve good medical care that will not harm them.

The statute of limitations needs to be extended, probably much longer than to age 25 which is when the brain matures. There will still be patients who realize they were harmed much later than age 25, but this change is a good start.

References and resources: (submitted separately)

Linda Flower, Dr.
Self Family Physician
Tomball, TX

References for Testimony by Linda W. Flower, MD HB 888

References and resources:

Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden, PLoS One, Dhejne et al (2011) <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

Cost of sex reassignment: <https://health.costhelper.com/sex-reassignment-surgery.html#:~:text=For%20patients%20not%20covered%20by,acial%20features%20more%20masculine%20or>

Tavistock's Experimentation with Puberty Blockers, Scrutinizing the Evidence, Transgender Trend, Biggs, M (2019)

<https://www.transgendertrend.com/tavistock-experiment-puberty-blockers/>

Stonewall School Report: What Does the 45% Suicide Rate Really Mean? Transgender Trend (2017)

<https://www.transgendertrend.com/stonewall-school-report-what-does-suicide-rate-mean/>

McIlhaney, Joe and Bush, Freda McKissic ; Hooked :The Brains Science on how Casual Sex Affects Human Development. Moody Publishers. 2008

<https://www.transgendertrend.com/autism>

Contact info:

Linda W. Flower, MD
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Cell: 281-684-1935

Angela Smith
Fredericksburg Tea Party
Fredericksburg, TX

Hello. I am FOR this Bill. Minors who are transitioned and are able to file a claim, should be given ample time to do so.

Carla Birk
self
Tomball, TX

I am writing in support of HB 888

Kelley Rumps
self retired
The Woodlands, TX

I support this bill.

Kenneth Hollingsworth
Self / Retired
Duncanville, TX

It is generally acknowledged that a male's brain is not fully mature until the age of 25 (hence the prohibition by car rental agencies for under 25's to rent a car and the auto insurance rates for 25 and under are higher), therefore the statute of limitations should be at least until the age of 26.

Amanda Logan

self

Austin, TX

Please vote YES to increase statute of limitations involving health claims for gender modification and procedures performed on a minor so the minor has the opportunity for justice once they realize their body has been permanently disfigured or long-term health problems developed due to gender modification drugs prescribed to them as a child when they were not capable of making those decisions on their own. If you have listened to any of those who have detransitioned since receiving these drugs as a child and the long-term health damage these people have to live with due to being prescribed experimental drugs with risks that children are not capable of understanding and which cause permanent health damage, you will understand that these should not be prescribed to children and if they have, those children should have the right to sue once they have developed permanent health damage or any permanent adverse affects from those drugs given to them as a child.

Audrey Warner, Mrs

SELF

Conroe, TX, TX

PLEASE VOTE YES - protect people as best possible from the criminal act of mutilation. It's remarkable that this has become such an important issue of our time. PLEASE VOTE YES!

John Ballard

self - retired

Fort Hood, TX

The statute of limitations MUST be extended for these victims to file suit due to the destructive lifelong effects of these senseless surgeries and treatments. Child victims must be allowed to pursue compensation through the courts due to the damaging physical, emotional and phycological ramifications. Children and teenagers are the innocent victims of this barbaric practice. Vote YES on HB 888!

Diana Richards

Self / Retired

Sherman, TX

FOR - As we are seeing a drastic uptick in previously gender transitioned individuals who now regret the medicalization and/or surgeries that have results in long-term (possibly life-long) suffering, we must extend the statute of limitations for healthcare lawsuits. HB888 would allow individuals who started transition medicalization as a minor. Please confirm that the definition for "minor" in HB888 will be the same as in Sec. 106.01 of Alcohol Beverage Code (TITLE 4. REGULATORY AND PENAL PROVISIONS). DEFINITION: In this code, "minor" means a person under 21 years of age. As with tobacco and alcohol use, there are profound adverse health risks to the medicalization & procedures involved, & detransitioners have testified to the severity of the irreparable damage they have to live with for years to come. Thank you.

Whitney Riley

self

Hondo, TX

Vote YES on HB 888 to extend the statute of limitations for patients to sue for gender modification procedures. Unbelievable that we have to have a Bill for this purpose.

Melissa Fryzel

Self

Seguin, TX

I strongly oppose HB888. This being introduced to the people's House is quite appalling, frankly.

Someone(s) from a party that has shoved gender reassignment down Texans' throats is NOW filing revisions to cushion the corporations from liability for the same thing? Is this an indirect admission of guilt or pre-meditated obstruction of Justice?

As mentioned in my comments in HB1686:

Charlie Evans, an activist from Newcastle, UK, founded The Detransition Advocacy Network after going public about her own regret and subsequent detransitioning.

She had hundreds of people contact her that felt the same way. She stated, ""I think some of the common characteristics are that they tend to be around their mid-20s, they're mostly female and mostly same-sex attracted, and often autistic as well."

<https://ourduty.group/2020/04/29/the-detransition-advocacy-network/>

We aren't doing this. Let this die in committee. Our kids deserve better than this and fails to protect the cultural heritage of Texas.

Tracy Potts

Self

Allen, TX

The statute of limitations should be extended for action against "doctors" who seek to alter gender through medication, treatments, and/or surgeries. In fact, it should not be capped at the patient being 25, but there should be NO limit on when a person can seek action against one of these scheister "doctors" who seek to override God's handiwork.

Robin Rosenstock, Dr

self

Austin, TX

As a physician and pediatrician I absolutely oppose this bill. You are limiting health care without any knowledge of medicine, embryology or biology. There is the law of unintended consequences where in your rush to care for what you consider to be transgender you also limit care for many children who have various genetic abnormalities that require medical care that might fall under these limitations.

Zech Leal

Self

Lago Vista, TX

I oppose this measure. It's an attempt to further marginalize a minority of Texans who have long been under attack in our state. Absolutely shameful.

Sara Ruffin

Self- teacher

Lago Vista, TX

As a Texan, I oppose HB 888. The government has no business criminalizing medical care or intervening in the patient-doctor relationship. This bill skirts Texan values of independence and privacy and I'm appalled it is even receiving a hearing by this committee who claims to support the freedom and liberty of Texans. To do so in practice would mean killing this bill here in the chamber and quit wasting taxpayer time and money on culture wars by attacking the rights of trans Texans and their families.

Taylor Trevino
self - organizer
Austin, TX

I strongly urge Representatives to oppose this bill and to end attacks on the LGBTQ+ community in Texas.

Ariel Wood
Self
Austin, TX

I am writing in opposition to this bill. Gender affirming care for minors is life affirming care. It is healthcare. It is their right. And it should not be in jeopardy.

Nydia Reveles
self, homeschool teacher
El Paso, TX

I am a Texas resident, voter and parent and I am asking that you vote NO on HB 888. This bill is a solution looking for a problem. In fact, the regret rate for gender-reaffirming surgery in teens and adults is estimated to be 1% in the US and Canada (AP, March 2023) However, studies suggest that the regret rate for knee replacement surgery for example is between 6-30%. In fact, the regret rates for routine surgeries is estimated anywhere between 10-40%. Why then target liability for gender affirming care, when the regret rates for this type of surgery in far below routine surgeries? Further, most gender affirming care is reversible. Clearly, this is just one attempt in the onslaught of hateful and discriminatory legislation against transgender Texans. You have time to correct course and tackle actual issues affecting ALL Texas everyday like childhood poverty, gun violence, diminishing access to health insurance and health care, global warming, and the list goes non. Vote NO on HB 888 and make better use of our time, energy and tax payer money on real and actual problems, not ones you make up for cheap political points.

Aaron Yuhas
Self
Austin, TX

Gender is a construct, we shouldn't have to fight simply to exist. Strongly oppose

James Ransdell
Self
Seguin, TX

Please allow these young people as patients to sue for gender modification procedures that were done to them. Vote yes.

Ren Bohanon
Self, Office Manager
Haltom City, TX

This proposed legislation has no basis in medicine, goes against psychological research (that restricting gender-affirming care causes severe psychological damage to youths) and is purely extant to further limit trans healthcare. Any human being should have the right to access gender-affirming medical care. Trans rights are human rights.

Jennifer Tutanés
SBTC TERLC
Austin, TX

Let's protect our kids from these irreversible harm.

Martha Chang

Self

Austin, TX

Gender-affirming care is lifesaving and science-backed. There is no reason to target physicians providing this care with increased liability. I oppose this bill.

Emma May

self - Software Engineer

Austin, TX

As a trans woman who has received gender affirming care, I strongly oppose the proposed bill regarding the statute of limitations on health care liability claims involving gender modification drugs and procedures provided to minors. This bill would require a claimant to bring a health care liability claim no later than their 25th birthday if the basis for the claim is malpractice in the provision of puberty suppression drugs, cross-sex hormones, or gender-affirming surgeries or medical procedures.

I believe that this bill unfairly targets the trans community, and it threatens the ability of minors to access life-saving and life-affirming medical care. Gender dysphoria is a serious medical condition that can cause significant distress, depression, and even suicide. For many trans people, gender affirming care is an essential part of their journey towards living as their authentic selves.

I can personally attest to the profound positive impact that gender affirming care has had on my life. Prior to receiving medical care, I experienced intense gender dysphoria that made it difficult to function on a day-to-day basis. I felt disconnected from my body and from the world around me. However, after starting hormone replacement therapy and undergoing gender-affirming surgeries, I experienced a sense of wholeness and well-being that I had never felt before.

It is deeply concerning to me that this bill could prevent minors from accessing the care that they need to alleviate their gender dysphoria. By imposing a strict statute of limitations on claims related to gender affirming care, this bill could deter healthcare providers from providing this care altogether, out of fear of litigation. This could have devastating consequences for the trans community, particularly for trans youth who are already vulnerable to discrimination and violence.

Furthermore, the bill's focus on malpractice claims is misguided. The vast majority of healthcare providers who offer gender affirming care are dedicated professionals who work tirelessly to improve the health and well-being of their patients. They should not be subject to unfair legal repercussions for providing care that is widely recognized as essential to the health and happiness of trans individuals.

In conclusion, I strongly urge lawmakers to reject this bill. As someone who has experienced firsthand the profound benefits of gender affirming care, I know that it can be life-changing for trans individuals. By limiting access to this care and creating unnecessary legal hurdles for healthcare providers, this bill would be a serious setback for the trans community and for the cause of equality and justice in Texas.

Michelle Evans
self
Round Rock, TX

I am in favor because it's a necessary step toward making whole those minors who have been subjected to what is little more than experimental medical services. Very little data is being compiled in real time, and we have no way of knowing exactly how many in the current cohort of patients being medicalized for gender dysphoria will eventually regret the decision made by them or on their behalf as a minor.

The longest follow-up period post-surgery in currently available studies was only four years. Various research points to a regret rate that falls anywhere between 1% and 70%, and complications from surgeries, puberty suppressants and wrong sex hormones for those who underwent them as minors may not be recognized until well into adulthood. Some won't know until they decide to try to have a child. One study showed the average age for deciding to detransition was 26.4 years old, with many citing medical complications and mental health issues stemming from transition as reasons.

No medical service labeled as for the purpose of gender transition is actually able to achieve that goal. It is physiologically impossible to change sex, and impossible to treat a mental health issue with surgical amputation or chemical sterilization. At its core, the medicalization of gender dysphoria is malpractice in that it can never accomplish transition or reassignment, and if a practicing physician does not understand this, they have no business prescribing medicine or wielding a scalpel in the first place.

There are, however, more necessary steps that I'm hoping this body will consider in the immediate term
Knowing that the mean age for detransition is, based on the best evidence available, over 25 years old and that some only medically transition in young adulthood after being socially transitioned for years by a psychologist, therapist or counselor as a minor, ideally we should be considering a much longer extension on the statute of limitations for patients of all ages at time of treatment, such as 20 years or more;

Knowing that socially transitioning a minor - often abetted by adults in authority such as educators, counselors, therapists, psychologist and psychiatrists - has consequences on mental and physical health, they should be included in any civil liability; Knowing that these children and young adults are often treated exclusively for dysphoria, leaving their comorbid mental health issues like anxiety, depression and borderline personality disorder unaddressed, the complications related medical and social transition and the subsequent decision to detransition can be catastrophic, leading to completed suicide. Wrongful death suits ought to be authorized under those circumstances

I urge you to vote HB 888 favorably out of committee, but please do not let this be an end point. Our vulnerable and broken youth deserve champions who are willing to boldly draw lines in the sand for their protection.

Carli Miller
self
Austin, TX

I'm adamantly AGAINST HB 888 and its limiting access to lifesaving healthcare for transgender youth in opposition to best-practice medical standards of care. HB 888's separate statute of limitations for healthcare malpractice claims related to gender-affirming care would unjustly increase liability for those doctors providing healthcare to trans youth.

Kurt Peters, M.D.

"self" retired pediatric allergist/immunologist (M.D.)

Rosharon, TX

It is well documented that regret following gender transition (medical followed by surgical) for the presumed diagnosis of gender dysphoria (GD) typically occurs significantly longer than the current statute of limitations for medical malpractice in the State of Texas. The longest longitudinal study in Sweden revealed that after 10 years post transitioning, psychiatric disease, suicide and overall mortality increased (journals.plos.org, Feb. 22, 2011). My conclusion, as a Pediatric sub-specialist who has been a principal or sub-investigator in 69 clinical research studies and served for nine years as chairman of the 12 physician Allergy & Clinical Immunology CPC (clinical practice committee) of MHMD (Memorial Hermann Physician Network) in Houston creating and implementing evidence-based guidelines for the major diseases of our Specialty to be followed by our total 4800 members, is that a cottage industry has arisen due to the exponential rise in individuals identifying as transsexual. Sadly, most of whom are being exploiting on line and by unscrupulous practitioners from what I conclude is a social media epidemic praying on vulnerable children, adolescents and adults. Those who are financially benefitting should be held accountable. Thank you for considering my testimony and I am happy to respond to any questions.

Spark fields

self - home care administrator

Austin, TX

As a transgender person, I oppose this bill. The intention of this bill is to be a threat to providers, to have a chilling effect on those offering services, so that agents of the far right can back door a ban on transgender medical care. No other procedure shares this updated statute of limitations, therefore this is a clear violation of constitutional civil protections on the basis of sex. Do not allow this bill to proceed.

Chris Donofrio

Self / Scientist and researcher

The Woodlands, TX

I STRONGLY OPPOSE HB 888.

This bill is one in a set of bills designed to further marginalize the transgender citizens of Texas. In HB 888 the targets are doctors. By intimidating medical professional via malpractice charges regarding gender-affirming care serves no public interest.

Viewed from a transgender perspective this bill is cruel. Cruelty can only be defined by the victim of an action or policy (Philip P. Hallie, 1982, "Cruelty). While medical professionals are the specific target of HB 888, its ultimate target is any transgender individual who lives in Texas.

I have several reasons explaining why I strongly oppose HB 888.

First, this bill is discriminatory on its face. Prior to this bill's introduction there were no targeted statutes of limitations. The focus was on liability for any health care issue. Introducing the proposed text for 74.252, a new subsection, defines a privileged population. Those individuals who were involved in certain gender modification drugs and procedures. Specifically, "malpractice in the provision of a puberty suppression prescription drug or cross-sex hormone to or the performance of surgery or another medical procedure on the minor for the purpose of gender transitioning or gender reassignment" 74.252.2. Such language only applies to transgendered individuals.

It flies in the face of our state's constitution. Article 1, Section 3a: Equality under the law. Article 1, Section 29. The latter sets a strong protection to our rights:

Sec. 29: "To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void."

Second, the Texas Civil Practice and Remedies Code already handles all medically-related issues under 74 subchapter C: Informed Consent. 74.104: "... the physician or health care provider shall disclose to the patient or person authorized to consent for the patient the risks and hazards involved in that kind of care or procedure."

Finally, HB 888 removes all accountability from anyone who made a decision to gender transition or reassignment. It allows, even encourages, those for whom their experience did not match their initial expectations. While this is unfortunate it is no reason to place it in law. I'm sure all of us have experienced disappointment between expectation and reality. That's just part of life.

Individuals undergoing transition have already spent a long time working with psychologists and doctors. It is not a decision made on the spot. There is enough time and work to ensure an informed decision is made. Those who seek to marginalize trans individuals must stop trying to scare us with phrases like "They told me either I let my child transition or they'll commit suicide." That is a phrase of convenience, not reality.

I STRONGLY OPPOSE HB 888.

Chris J Donofrio

Lamya Thompson, Mx

Self

Del Valle, TX

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In conclusion, I strongly urge lawmakers to reject this bill. As someone who has experienced firsthand the profound benefits of gender affirming care, I know that it can be life-changing for trans individuals. By limiting access to this care and creating unnecessary legal hurdles for healthcare providers, this bill would be a serious setback for the trans community and for the cause of equality and justice in Texas.